

REMARKS

As indicated above, this is a Preliminary Amendment for the Request for Continued Examination (RCE) filed herewith.

Claims 1, 2, 5, 20 - 22 and 32 - 37 have been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicant regards as his invention. The applicant respectfully submits that no new matter has been added.

At the outset, the applicant (Mr. Takeharu Arakawa), the assignee's representatives (Mr. Nobuhiro Kato and Mr. Mitsuhiro Yamaha), and the applicant's undersigned representative thank the Examiner, Mr. Brian J. Broadhead, for taking the time to conduct a personal interview with the assignee's representatives and the undersigned in the U.S. Patent and Trademark Office on November 16, 2005. The assignee's representative and the undersigned would also like to thank Mr. Broadhead for the courtesy extended to them during the interview.

Highlighted during the interview with the Examiner included the significance of the applicants' server device 300 containing the server communicating section 310, travel route setting section 330, and information storing section 320, which significantly simplifies the system for

allowing, for example, the server device 300 to have the information storing section 320 delete old information so as to efficiently provide storage capacity and for efficient travel route searching. More significantly, we highlighted the applicants' communication possibility determining section 485, which determines whether the communicating operation can be executed, and executes the communicating operation, such procedure being determined when the current date and time is over a timing specified in a communication condition information.

The Examiner was thereafter referred to the first full paragraph on page 19 of the Response filed on September 20, 2005, which specifically outlines the different types of information that are updated, the frequencies or conditions for updating or executing the information acquiring operating being dependent on the type of information that is acquired.

As to the cited prior art references, it was submitted to the Examiner for consideration that Hirono is merely concerned with the display of GPS information and communication with a map database server for updating (as shown in steps S25 through S27 in Hirono's Figure 8) "map data of a specific block."

Also, it was submitted that Kondou's apparatus is merely concerned with a database that stores areas and related service information in which an information server determines the area and loads information on that area from the database.

In other words, both the Hirono and Kondou references are not concerned with the frequency of executing the information acquiring operation which is dependent on the type of information that is required or for that matter, Hirono and Kondou are not concerned with the conditions for acquiring the information being set in accordance with the type of information. That is, the prior art references automatically update the desired information without any regard to the type of information being acquired.

Furthermore, because the subject matter pertaining to the conditions for acquiring the information being set in accordance with the type of information, which is allowable subject matter (as noted in the Examiner Interview Summary Record dated November 16, 2005), is not contained in the language of the previously filed claims (as suggested in lines 5 - 7, page 6 of the Office Action dated June 20, 2005), the applicant hereby amends the claims so as to include therein such allowable subject matter.

In view of the above, the withdrawal of the outstanding rejections under 35 USC 102(b) based on Hirono, and under 35 USC 103(a) based on Hirono in view of Kondou is in order, and is therefore respectfully solicited.

In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

U.S. Patent Application Serial No. 10/670,386
Preliminary Amendment to RCE filed December 9, 2005

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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Enclosures: RCE
3-month Petition for Extension of Time